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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/498,293	02/04/2000	Ronald Roscoe Bush	AT9-97-308B	8618
7590	02/02/2004		EXAMINER	
BRACEWELL & PATTERSON, LLP INTELLECTUAL PROPERTY LAW P.O. BOX 969 AUSTIN, TX 78767-0969			WINTER, JOHN M	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Offic Action Summary	Application No.	Applicant(s)
	09/498,293	BUSH, RONALD ROSCOE
	Examiner	Art Unit
	John M Winter	3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 25 July 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 15 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 15 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6) Other: _____

DETAILED ACTION

Status

Claim 15 remains pending

In view of the Paper # 15 filed on October 31,2003, PROSECUTION IS HEREBY REOPENED, as set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Response to Arguments

The applicant's arguments entered on July 25 ,2003 have been fully considered.

As per claim 15.

The Examiner states that the Merritt reference has been withdrawn.

The Examiner submits that the amended claim 15 is not allowable in view of the newly discovered reference to Doggett et al. (US Patent 5,677,9555,475,756). See following rejection

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chang (US Patent 5,848,400) in view of Arnold et al (US Patent 4,558,176) and further in view of Rosen (US Patent 6,047,067) and further in view of Doggett et al. (US Patent 5,677,955).

As per claim 15

Chang ('400) discloses a method of processing an electronic check, comprising: receiving an electronic check at a business; transmitting a first copy of said electronic check to a payor's bank and a second copy of said electronic check to a payee's bank; decoding said first copy of said electronic check at said payor's bank. (Abstract, Figure1)

Chang does not explicitly disclose "encrypted using a one-time pad", Arnold et al ('176) discloses "encrypted using a one-time pad", (column 24, lines 24-32). It would be obvious to one of ordinary skill in the art at the time of the invention to utilize a one-time pad because this prevents adversaries from cracking codes that are reused.

Chang does not explicitly disclose "authenticating said electronic check; transmitting said first copy of said electronic check to a clearinghouse with a payment authorization. Rosen ('067) discloses "authenticating said electronic check; (column 3, lines 50-54) transmitting said first copy of said electronic check to a clearinghouse with a payment authorization.", (column 3, lines 64-67). It would be obvious to one of ordinary skill in the art at the time of the invention to combine the Chang method with Rosen's teaching in order to allow the completion of a financial transaction while reducing the possibility of fraud..

Rosen ('067) discloses the claimed invention except for transmitting said second copy of said electronic check to said clearinghouse, It would have been obvious to one having ordinary skill in the art at the time the invention was made to transmit a second copy of the electronic check to the clearinghouse, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Chang does not explicitly disclose "comparing said first copy of said electronic check to said second copy of said electronic check; and responsive to determining that said first copy of said electronic check matches said second copy of said electronic check, processing a transaction transferring funds from said payor's bank to said payee's bank. Doggett et al. ('955) discloses "comparing said first copy of said electronic check to said second copy of said electronic check; and responsive to determining that said first copy of said electronic check matches said second copy of said electronic check, processing a transaction transferring funds from said payor's bank to said payee's bank ", (column 19, lines 31-65). It would be obvious to one of ordinary skill in the art at the time of the invention to combine the Chang method with Doggett et al's teaching in order to allow the completion of a financial transaction while reducing the possibility of fraud.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M Winter whose telephone number is (703) 305-3971. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

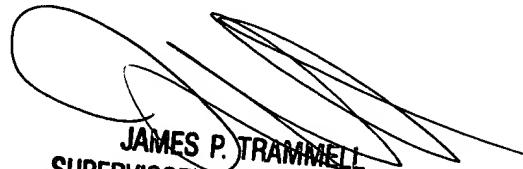
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammell can be reached on (703)305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

JMW

January 26, 2004



JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600